App. F IX-4

Previous References

M 32-40 Vols. 170471, B July 41.

File No. 86-39

Serial Nos. 10, 11, 104, 153, 154

Later References.

M 32-40 Vols - 170471

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 5

Part B for aug 60.

SUBJECT.

Byc. Laws for regulating the trade of Hawkers and the levy of a license fee enforced by the Bangalore City Municipal Council

To,

The Hon'ble Commr. Bangalore Division

The Controller.

The D.C. Bangalore

The S.P. of Police

L 1680-3 dt 26th Aug 60.

(M 154)

Yakshaswamy 25/8/60

approved

95
1

General and Revenue Secretariat | File No | of 193 | [App 1 III—2

Serial No

From the Mil Commr, Bcsf, thro DDs
No A4 2667/38 Dy 30-6-39
Forwards for approval the Draft Byelaws framed by the Mil Cl under section 51 (1) a of the City Mches Act 1933 for regulating the trade of "Hawkers" & the levy of a license fee on them under section 82 (3) of the Act
1 The present Byelaws have been framed on the same lines that are obtaining in the Civil & Military Station, Bangalore (Vide Page 37 of the Byelaws framed under the Bangalore Municipal Laws of 1891)
2 Asks with a draft letter calling for further information

3 Encl ✓
1/8/39

For
1/8/39

N To the Mil Commr, Bcsf, thro DDs
No L 602 Dy 17-7-39
Requests him to furnish information on certain points

From the Mil Commr, Bcsf thro DDs
No A4 2667/38-39 Dy 9-10-39
Forwards the information called for
4 It is stated that a sum of not less than Rs 2000/- p m is anticipated to be

TYPING SECTION
1 - OCT 1939
SECTT

✓
Issue A
20/7

NOTE—Contn Sheet

WD 0544—GPB—30 000—2 9 38

realised by the proposed levy & that the proposal does not affect the persons that pay the professional Tax as the license fees proposed is only to subject persons who hawk in streets to the levy.

5 The Law section may perhaps be consulted as to whether the Bye Laws are in order and may be approved

1/10 6 There has been still trouble in regard to the levy of profession Tax in Bangalore. The Fitt Comm's report shows that it is likely that the new tax in the form of a levy of license fees on hawkers would also affect those liable to pay profession tax. The levy of the proposed tax would perhaps accentuate trouble, as it affects mainly very small traders. This tax is being levied in the Bom. States Mdy having regard to the present conditions in city it is for consideration if the sanction asked for may not be withheld the question of the profession tax is settled

Fit as necessary by I

SECY LAW DEPT 2736 1939 GOVT OF MYSORE

The Bye laws framed by municipalities for levy of license fees on hawkers may perhaps be scrutinised after scrutiny by the Law Secretariat and it does not seem necessary that this should be done by the Secretariat Legislation Sn

21-2-39

2267/39 Levy of Revenue fee on Hand Looms

General and Revenue Secretariat — File No. 86 of 1939-40 — App F III 2

Serial No.

SECOND COUNCIL
23 OCT. 1939
3389
No.

2/23/10/39

II Member) 8 Nov
30.10

4/30/10

9 In favour of sanctioning of the Byelaws and remarks if any

Asst Secy Govt
N.C.)

2/31/10/39 3/31/10/39

Law 73/39
31/10/39

If the Cochin State Weavers Bye-laws may please be put up for reference, as the existing Bye laws on same have been framed on the same lines as the Cochin State Bye-laws. Are such Bye laws in existence in any other Weavers Co-operative Societies, please put up that reference also.

Asst Secy
Govt
WC) 3/29/11/39

4 Worked with a copy. Vide Page 37.
No such Bye laws are in existence in any of the Districts of the State.

Asst. Secy Govt
WC) 2/30/11/39

Note—Contn. Sheet

12 The Bangalore City Municipality propose to levy a Tax on "Hawkers" They propose to levy it under Sec 64 xiii of the City Municipality Act, as 'Hawkers' does not seem to come under powers of Sec 64 xi read along with Schedule V of the Tax Act.

13 Under Sec 64 xiii, before proceeding under Sec 65, the Municipality ought to have taken the approval of Govt., to such a Tax — but they do not do so, & the Municipal Commissioner in his letter under reference, requests Govt to forward to Govt his proposal as to frost the Municipal Commissioner to obtain previous sanction as contemplated under Sec 64 xiii of the City Act.

14 The omission to obtain the approval contemplated under Sec 64 xiii of the City Act is an irregularity in procedure, which does not affect the merits of the case & as such Govt can condone the said defect in procedure

15 As regards the Bye-laws, there is nothing in them which needs any change They are drawn up on the lines of the Bye-laws in force in other stations

Serial No.

SECY LAW DEPT. 3883 GOVT OF MYSORE

No Under Just By Laws are necessary or not-how, a Question should be settled in terms of this section

(2) The Bye-laws proposed, may, if necessary be amended (Law Secretary) 3/12/35

18 Is there any irregularity in procedure (Illegible) L S G) 3/12/35

(1) The question has been examined with reference to the provisions of the City Municipal Act relating to the levy of taxes and (2) levy of license fees.

2. The point for consideration is whether the present proposal has to be construed to be a tax on hawkers or a license fee for hawking.

3. The A.G. Court in his letter dated 30.6.35 stated that the bye-laws were framed under sec 57 (1) (a) of the City Municipal Act 1933, read with sec 82 (3) of the Act, for the purpose of levying a license fee on Hawkers in the city limits for regulating their trade but on a query from Govt, the Govt pleader issued Govt to the fact

NOTE—Contin. Sheet

Levy of license fee on brewing — Proposal

File No. 86 of 1939 — General and Revenue Secretariat.

Serial No.

under sec 64 (XIII) of the Act. It is stated that the income anticipated from this source is about Rs 2000/- Breweries are propelled on three sides in the Cochin State.

2. If this is taken to be a tax, then previous sanction of Govt is necessary before levy is prescribed under sec 64 (XIII) of the Act, as it is not one of the taxes enumerated under sec 64 otherwise it may likely be considered as a license fee.

3. If it is considered to be a license fee on breweries, which are the only industries under the control of the MCC, there is no objection and there would be no necessity to get approval to bye-laws under sec 51 (1) (a) read with sec 52 (3) of the Act. are approved.

Submit for orders — Refer para 1 of Despatch

from 21/1/40 (sd)

2. In the letter dated 9.10.39, the Cochin Commissioner states that the proposed levy on the breweries is in the nature of a professional tax. So the Cannot be considered as a fee in the nature of market fee or a fee levied for the use of a public place ie (Slaughter House) used for the sale of

Levying fees on Hawkers - Municipal

General and Revenue Secretariat. File No 86 of 19 33 C. [App. F III-2

Serial No	
	Articles as contemplated under Sec 51 of City and Act or is to be treated as a tax that be imposed under Sec 64 (VIII)
	) Before observing the procedure prescribed under Sec 65 for the levy of the tax, previous approval of Govt should have been obtained This has not been done and the said omissions should now the omission may be condoned.
	") Said reference is invited to Para 14 wherein it is noted that the omission is an irregularity in procedure which does not affect the merits of the case & therefore ought be condoned This could perhaps be done
	') There is another point to be considered The Bye laws were framed under Sec 51(1)(a) and the levy of the fee as a License fee under Sec 82(3) of the Act In the notice calling for objections from the Public, also, it has been stated that the Bye laws were framed Under Sec 51 of the City and Act So all along, the procedure prescribed for the levy of a license fee has been adopted. The procedure prescribed for the levy of a tax is separate under Sec 64 & 65 & and that has not been followed

NOTE—Contn Sheet

Levy of Taxes on Hawkers - Rules etc

File No. 86 of 1939 — General and Revenue Secretariat.

Serial No

Where was originally intended to be levied as a License fee, the Govt Council now want to impose as a tax within the meaning of Sec 64. vide Govt Commrs letter dated 9-10-39.

This seems to be an irregularity in procedure which may be made much of later on the time of recovery of taxes. It may lead to difficulties

The Commrs may perhaps be asked to send up proposals after observing all the procedural formalities for levying a tax under Sec 64 & 65 of City Mun Act.

Govt. Secy)
24/1

32) It is desirable to follow the legislative formalities
27/1/40

33) Please put up draft accordingly
29/1

34) Draft with a draft letter for approval.
29/1/40

35) Done
29/1

BEOY SECY 5247 GOVT O

TAMIL SECTION

Serial No

To the ml Commnr. Bcig., his PP
No L6726 Dy 1-2-40
Requests him to send up proposals to
Govt after observing all the formalities
under sections 64 & 65 of the Act 1923
From the ml Commnr, Bcig., his PP
No A4 2667/38-39 Dy 5 7-40
States that, for the reasons explained,
the words "license fee" may be substituted for
the word tax appearing in the Byelaws-
36) It is stated that necessary
formalities have been observed &
that the word "licensefee" may be
substituted for the word "tax" appearing
in the Byelaws
37) Subs for orders with reference to
(6/7) paras 31 & 32 supra

38) Govt ml Council proposed to
control the Hawkers who go about in
the streets of Bangalore City & levy a fee towards
defray several heads
a system of licensing & levying fees for
that purpose.
39) Govt framed necessary byelaws for
the purpose under Sec 51 (1)(a) of City ml
Act & proposed to levy the fee under Sec 82(3)
It was pointed out to the ml

NOTE—Contn Sheet

Levy of a tax or licence fee on artists in Bombay

File No. 86 of 1939 General and Revenue Secretariat

Serial No

Council whether it was not in the nature of a tax Under Sec 64 the necessary formalities required to levy a tax had been observed

(2) When in his letter dated 9 to 39, has not Commr stated that the levy of Licence Fee was in the nature of a subordinate tax & sanction of Govt ought be accorded to the same, Condoning the omission to obtain previous sanction Under 64 (6) (xiii)

(3) When in his office letter dated 12 to 40, he was requested that all the formalities prescribed Under Sec 64 & 65 of City Act ought be gone thro' and the proposal sent up again -

(3) Now has not Commr stated that it's better to treat this as a Licensing fee & it cannot be considered as a tax definitely if it is treated as a tax, then to recover the same, there would be considerable difficulty in following the procedure prescribed for recovery of taxes in arrear bills, notices etc on the Artistes who may be staying absent temporarily. There is more force in what the Commissioner has stated If it is treated as a Licensing fee, According to the Regulations fee will have to be paid in advance

Levy of a fair weekly fee on Hawkers and Pedlars

General and Revenue Secretariat — File No 86 of 1939-40 — [App F. III-2

Serial No.

B | (4c) The only point to be considered is whether the license fee could be levied under Sec 82(3) as prescribed by Byelaws framed under 51(1)(a) Under this Section Byelaws are to be framed for the regulation & inspection of all public places used for the sale & exhibition of dangerous drugs.

(4d) The term "public place" is not defined. Hawkers go about public streets — Question may arise whether "public place" should have to be considered as to include public streets. If it is only then, probably their license fee could be levied under 51(1)(a). Whether such a view could be taken will have to be examined in the Law Section, in which case, the Byelaws might be amended

A | (Law Secy) 11/7/40

(4e) As may be done

(4f) For opinion

Hon Secy Law 11/7/40 WJC

17/7/40

3 17/7

SECY LAW DEPT 1940 GOVT OF MYSORE

RECD DEPTT Law 17 JUL 1940 GOVT OF MYSORE

Law 6 of 40

18th July 1940

NOTE—Contn. Sheet.

Levy of license fees on transfers
49 & 6 — Bye-laws — Power of

File No. 86 (18) of 1940 — General and Revenue Secretariat

Serial No.

(cf) "Public Street" is a "public place". Hawkers do obtain the streets, to sell their articles they have no settled place, when they sell their goods from street, the license fee can be levied under Sec 82 (3), ~~[illegible]~~ as fixed under Sec 51 clause (a) of the City Mal Act.

(Law Secy) 3/8/40

49) This may treated as a license fee under S 82(3) & S 57 (a) of the City Mal Act

SECY LAW DEPT 31 JULY 1940 GOVT OF MYSORE

1187 31/7

Hon'ble 31/7/40

(Home Secy, Law, Chief)

50) Submitted with a draft Govt. for approval

Home Hands - Govt.

51) The Bye laws may be approved

(Law Secy) 8/8

52) May be approved

(Home Member) 10/8/40

1334 9/8

1489

Hon'ble 19.8.40

Hon'ble 19/8

Issue 19/8

Serial No	
54	To The Ml Commr, BCG, Hyd The Comptroller The Dy Commr, Bloe The Dy of Police RO-L 1680-3 Dy 26-8-40 Approves of the Bye Laws.

✓
Dy 27/8.

NOTE—Contn Sheet

File No. of 194

General and Revenue Secretariat

Serial No.

BANGALORE CITY MUNICIPALITY.

95
C

Ml 86-39-10

MUNICIPAL OFFICES,

No. MA-2667/38. Bangalore, 30-6- 193 9

From

S. NARAYANA RAO, ESQ., M A (HONS.),
MUNICIPAL COMMISSIONER,
Bangalore City

To C. Subrahmanya Aiyar, Esq., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department,
Bangalore.

SIR,

I have the honour to forward herewith for favour of sanction of Government a copy of the resolution of the Municipal Council dated 13-6-1939, approving the draft bye-laws framed under Section 51(1)(a) of the Mysore Cities Municipalities Act of 1933, for regulating the trade of " Hawkers " and the levy of a license fee on them under Section 82(3) of the Act. Necessary formalities have been observed and no objections were received excepting an article in Tainadu dated 3-5-1939. A copy of the bye-laws is also enclosed.

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner.

Forwarded with compliments.

Honorary President. 3/7

PSF

60/38

PROCEEDINGS of the Adjourned Ordinary General Meeting of the City Municipal Council, Bangalore, held on T the 13th June 1939 at 4 P.M in the Council -- Chambers of the City Municipal Offices, Bangalore

Present.

N Balakrishnaiya, Esq , B.A.,LL B.,
Honorary President.

Messrs

1 P Venkataswamy
2 T L. Gangoji Rao.
3 B R Kavetirangappa
4. D Rameswara Sa.
5 S. Krishnappa, B.A.,
6. S.N.M Razvi
7. B.S Sankarappa Setty
8 I K. Purushothama Naidu
9. B.L. Byanna
10 M Muniswamy
11 P.M. Ramasarma
12 B.M. Madhava Rao, L M.S ,
13. M R Narasimha Iyengar
14 S.L. Mannaji Rao
15. K M. Naganna
16 M. Royan, M D ,

Absent.
Messrs.

1. Belur Srinivasiengar, B A., B L.,
2. D. Venkataramanappa
3. B. Rangaswamy, B A., LL B ,
4. T Nanjappa
5 K. Gubbaiya, B A , LL.B.,
6. C.M. Garudachar, B.A.,
7 P. Subbarama Chetty
8 M Krishnaswamy Pillai
9 M. Krishnaswamy R.
9 O.S Nasarulla Sheriff, M.A., LL.B ,
10 Mirza azizulla Beig
11.V. Chikkayallappa
12. Sri R. Kalyanamma.
13. Mr. R.Abdur Rahmon B.A.,

Subject. No. 21.

Commissioner's Memo that the bye-laws regarding to "Hawkers"

were published in local papers and that except an article in the " Tainadu " no objections have been received.

The President observed that the article in the paper need not be taken as an objection as it does not conform to the principles of objection and said that as no objections have been received, this may be approved.

Mr. D. Rameswara Sa wanted the rules to be published at least in 3 or 4 issues, but he was informed that this was not contemplated in the Rules and that a clear 30 days time was given to prefer - objections.

Resolution:- Approved.

Sd. N. Balakrishnaiya.
Honorary President.

C o p y.

PSK. Municipal Commissioner. 3/12/2

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore ~~14th~~ July 1939

No L602/ml86-39-4

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department

To

The Municipal Commissioner,
Bangalore City (Through the President).

Sir,

With reference to your letter No A4 2667/38 dated the 30th June 1939 regarding the levy of a license fee on Hawkers, I am directed to enquire what the anticipated realisations would be if the proposed levy is sanctioned and to request you to forward the article in Tainadu dated 3rd May 1939 on the subject It may be kindly stated whether this proposal affects in any way those who have to pay profession tax in the City and whether this proposal is not in the nature of the levy of a substantial tax, falling under the provisions of Section 64(b)(xiii) of the City Municipalities Act, 1933, requiring the previous sanction of Government and not under the Sections now quoted by you in the letter under reply

The records containing the notice etc , issued in this behalf may also be submitted to Government as required under Section 65(c) of the Act.

I have the honor to be,
Sir,
Your most obedient servant,

(Draft)

For Secretary to Government,
Law Department

SR/2

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *193*

Date of issue 17th July 1939

Signed by Mr. M. S. H.

List of enclosures

Copied by

Examined by 18/VII/7

Section ML

File No 86-39

Serial No 11

No 2602—

To The Municipal Court

Mangalore

(Thro the President)

Sir,

With reference to your letter no MC 2667/38 dated the 30th June 1939 re levy of a license fee on Hawkers, I am directed to enquire what the anticipated realizations would be if the proposed levy is sanctioned & to request you to forward the article in Jai Hind dated 3-5-1939 on the subject

WD 0278—GPB—30 000—4 3 38

It may be that I have misread this proposal and that it does not affect what I have to say in my professional capacity but whether this proposal is not - in the nature of the duty upon a Solicitor to, failing such provision in Rule 64 (6)(xiii) requiring previous Tribunal approval of the sale which I am not aware has been given by you in the letter under reply.

The records containing this matter are issued on the behalf of my client subject to my lien as required under Rule 64(C) of the Act.

Yours faithfully,

[illegible]

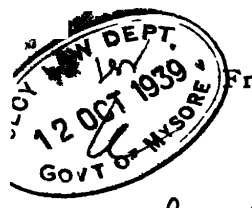
2258

BANGALORE CITY MUNICIPALITY

No A4. Z667/38-39.
Encl one file

MUNICIPAL OFFICES
Bangalore, 9th October 1939

ML 86-39



From

S NARAYANA RAO ESQ M A (HONS)
MUNICIPAL COMMISSIONER
BANGALORE CITY

To

C. Subrahmanya Aiyar, Esq , B.A , B.L ,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department, Bangalore

SIR,

REGARDING Levy of License fees on Hawkers

—

With reference to your letter No. L. 602/Ml. 86-39-11 dated 17th July 1939 on the above subject, I have the honour to state that a sum of not less than Rs 2,000/- per annum is anticipated to be -- realised by the proposed levy The proposal does not affect the - persons that pay the Professional Tax appreciably as, the license fees proposed is only to subject persons who hawk in streets to the levy If any persons liable to pay professional tax as businessmen intend to hawk also they have, of course, to obtain the license

The levy of license fees on hawkers is in the nature of a substantial tax and sanction of Government may be kindly accorded to the same, condoning the omission to obtain previous sanction under Sec 64 (b) (xiii) of the City Municipalities Act of 1933

I enclose herein the connected file along with the article in Tainadu dated 3rd May 1939 on the subject for favour of perusal and return

I have the honour to be,
Sir,
Your most obedient servant,

Forwarded with compliments,

S Narayana Rao

Honorary President.

Municipal Commissioner

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Bangalore, Dated,

No L6n6

31st January 1940
m 205

From

The Secretary to the Government of His Highness the Maharaja of Mysore
Law Department

To

The Municipal Commissioner, Bangalore City,
through the President, City Municipal
Council, Bangalore.

Sir,

With reference to the correspondence ending with your letter No.A4.2667/38-39 dated 9th October 1939 regarding the levy of a tax on Hawkers in the City, I am directed to request you to be so good as to send up proposals to Government after observing all the prescribed formalities for levying a tax under sections 64 and 65 of the Mysore City Municipalities Act 1933, together with the necessary Rules. The records accompany

I have the honour to be,
Sir,
Your most obedient servant.

(Draft)

For Secretary to Government,
Law Department

B.S.N.

Appendix F G—1]

SUBJECT

Section ml

File No

Serial No

Diary No of letter replied to

No 16726

To The ml Commr, Brij. thro' [illegible]

Sir,

General and Revenue Secretariat

( )

the *193*

Date of issue 1 2 40

Signed by ml

With reference to the correspondence ending with your letter no A4 2667/38 39 dt 9-10 39 re the levy of ~~license~~ a tax ~~fee~~ on Hawkers in the city, I am directed to request you to be so good as to send up proposals to Govt after observing all the prescribed formalities for levying a tax under sections 64 & 65 of the Mysore City Municipal Act 1933. together with the necessary Rules & Records accompanying thereto etc

List of enclosures

Copied by

Examined by

By order etc

for Secy to Govt

WD 0278—GPB—30 000—4 3 38

29/1/40

38-9.

AYANA RAO M A (HONS)
MUNICIPAL COMMISSIONER

6626

CITY MUNICIPALITY

Dated Bangalore 27th Apr. 1940

M 86 39-104

Dear Sir,

With reference to your D.O letter No.L.8982 dated 19-4-1940 requesting to expedite the submission of the proposals after observing all the formalities under sections 64 and 65 of the City Municipalities Act 1933 for the levy of license fee on hawkers, I write to state that the Secretary, Municipal Commission C & M Station, Bangalore and the Vice-President, Sanitary Board, K.G.F. Champion Reefs, were requested to send a copy of the rules framed for regulating the trade of hawkers so that necessary rules might be framed on the same lines. Replies from them have just been received. Necessary action will be taken to frame the rules and place before the Bye-law Committee and Council for their approval.

Yours sincerely,

H V.Narayana Rao, Esq , B.A., LL.B.,
Secretary to Government,
Law Department, Bangalore.

PRN 4

BANGALORE CITY MUNICIPALITY

No. A4. 2667/38-39.

Encl. One Resolution

MUNICIPAL OFFICES

Bangalore, 5th July 1940

Ld 56-39-153

From

S NARAYANA RAO ESQ., M A (HONS)
MUNICIPAL COMMISSIONER.
BANGALORE CITY

SECY LAW DEPT.
8 JULY 1940
GOVT OF MYSORE.

To

H.V. Narayana Rao, Esq., B.A., LL.B.,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
LAW DEPARTMENT, BANGALORE.

SIR,

With reference to your letter No. L. 6726 dated 31st/Jan. 1st February 1940, regarding the levy of a tax on Hawkers in the City, I have the honour to state that though the proposal to levy a license fee on Hawkers is in the nature of a substantial tax, it cannot be considered as a tax in view of the fact that Hawkers would be moving about from place to place which makes it difficult to follow the procedure laid down with regard to the recovery of taxes by serving bills, notices, etc., on them and taking coercive steps. In fact, the Municipal Council have also resolved on 21st March 1939 that the word 'license fee' be substituted in place of 'tax', while approving the draft bye-laws framed for the purpose. A copy of the resolution is also herein enclosed for kind perusal.

In these circumstances, I requdst that orders of Government may be kindly obtained for levying a license fee under - section 82 (3) of the Mysore City Municipalities Act of 1933 approving the draft Bye-laws framed under Section 51 of the said Act, a copy of which has been sent with this Office letter No. A4. 2667/38-39 dated 3rd July 1939. Necessary formalities have

P.T.O.

already been observed as stated in the said letter.

I have the honour to be,

Sir,

Forwarded with compliments, Your most obedient servant,

H.H. Rowan 5/7

Honorary President.

S. Nara

Municipal Commissioner.

5/7/40

Kas.5/7.

No. 49/38

PROCEEDINGS of the Adjourned General Meeting of the City Municipal Council, Bangalore, held on Tuesday the 21st March 1939 at 12 Noon in the Council Chamber of the City Municipal Offices, Bangalore.

Present

N Balakrishnaiya, Esq., B A.,LL.B ,
Honorary President.

Messrs

1. R Venkataswamy
2 W H Hanumanthappa
3. Vaidyaraj D Rameswara Rao
4. K M Naganna
5. I.K Purushothama Naidu
6 D Venkataramanappa
7 B.L Byanna
8 M Muniswamy
9 C N. Narasinga Rao, B A , B.L ,
10 M Krishnaswamy Pillai
11 M H Narasimha Iyengar
12 Mirza Azizulla Baig
13 M. Royan, M.D ,
14 Sri R Kalyanamma

Absent

Messrs

1 Belur Srinivasiengar, B.A., B L.,
2 K T Bhashyamiengar, B.A , B.L ,
3 Ramelal Thiwari
4 S N M. Razvi
5 B S Shankarappa Setty
6 K. Shamaraja Iyengar, B A ,
7 K Gubbaiya, B A , LL B ,
8 C M. Garudachar, B A ,
9 P Subbacharama Chetty
10 P.M. Rama Sarma
11 S K. Venkataranga Iyengar, B A ,LL.B.,
12 S.L. Nannaji Rao
13 O S. Nasarulla Sheriff, B A , LL.B ,
14 B Abdur Rahman, B A ,
15 V.Chickayellappa

BANGALORE CITY MUNICIPALITY.

Proceedings of The

Council meeting dated 21st March 19~~40~~ 39.

Addl. Subject. No. 39.-

Draft bye-laws for regulating the trade of 'Hawkers' and levy of tax on them.

Mr. C N. Narasinga Rao moved and Mr. I K Purushothama Naidu seconded.

Resolution - Approved with the modification that the word 'License fee' be substituted in place of 'tax'

Sd N Balakrishnaiya,
Honorary President.

"Copy"

Municipal Commissioner.

Kas/

G R. S App F VI—G 2]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *193*

Date of issue 26/8/40 193

Signed by Mr. T.R.

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

To the Mnl Commr Bgl; the 10th
The Comptroller
" D. C. Bllre Dist
" S. P.

Section. Mnl
File No. 86-39
Serial No. 154

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— Correspondence ending with letter No A4-2667/38-39 dt 5th July 1940 from the Mnl Commr, Bangalore city, forwarding a copy for approval draft Bye-laws framed by the City Mnl Cl under section 51 (1) (a) of the Bangalore City Mnl Act 1933 for regulating the trade ~~Order thereon No.~~ of Hawkers and the levy of a license fee on them, under section 82 (3) of the said Act

Order No L 1680-3

The Bye-laws are appd and appended to this order.

By Order &c

List of Enclosure

Copied by EW/6 22/3/40

Examined by

WD 0384—GPB—22,500—3-1-39

ASSESSMENT AND COLLECTION of License fee TAX ON HAWKERS

framed under Sec 81 (1) (a) and 82 (2) of the Mysore City Municipalities Act, 1933

1 No person shall carry on trade as a "Hawker" in the Bangalore City Municipal limits, without first getting his name registered in the - Office of the City Municipality and taking out a license or certificate of registration The term "Hawker" for the purpose of this Bye-law includes all persons who go about from street to street, selling or offering to sell goods, wares or merchandise, except those persons mentioned in the Schedule 'B' hereto annexed

2. Every person wishing to hawk in the City limits, shall apply to the Municipal Commissioner in writing, in the form given hereunder, for a license and tender the fee prescribed below -

SCHEDULE A.

Hawkers who are not permanent residents in the City limits (Foreign Hawkers).

(1) For dealing in precious stones and jewellery	Rs 10 per quarter or portion of a quarter of a year
(2) For dealing in Drapery, such as piece-goods, etc.	Rs. 2-8-0 per quarter or a portion of a quarter of a year
(3) For dealing in Hardware and all articles other than precious stones, jewellery and Drapery - including Trinkets	Rs 2-8-0 per quarter or portion of a quarter of a year

Hawkers who are permanent in the City limits (Local Hawkers)

For dealing in any article or articles including articles of food and drink	Rs 1-8-0 per quarter or portion of a quarter of a year.

3 On receipt of the application with fee, the Municipal Commissioner or any Officer duly authorised by him in that behalf shall give to the person paying, a license or certificate of registration The Municipal Commissioner or the Officer authorised by him may, if he deems it necessary in any particular case, refuse to grant the -- license and refund the fee tendered

4 Every person shall, when engaged as a Hawker have with him the license granted and produce the same when required by any Police -- cer or servant employed by the Municipal ~~ity~~ Council

duly-er Peon

5 The license shall not be transferable and no refund shall be granted on licenses which are partly or wholly unused or lost In the case of license actually lost, duplicates may, at the discretion of the Municipal Commissioner or the Officer authorised by him, be issued on production of satisfactory evidence by the licensee and on payment of a nominal fee, of ~~Rupee~~ annas

6 Any person found hawking any goods in the City limits without a license ~~without a license shall~~ or fails to produce the license when demanded, shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 50/- and to a further fine which may extend to Rs 5/- for every day after such conviction during which the ~~offence~~ offence continues

(next page)

Application for a "Hawker's" license.

of plicant d address with Door No. and Street	Permanent place of residence with door No. and Street	Nature of Trade.	Rate of Fee.	Period for which license is required.	Amount of fee tendered
		Foreign Hakwers.	Per quarter or portion of a quarter of a year.		
		(1) Precious stones and Newellery	Rs 10 0 0		
		(2) Drapery such as -- piece-goods etc.	" 2 8 0		
		(3) Hardware and all -- articles other than precious stones, jewellery and drapery	" 2 8 0		
		Local Hawkers -			
		All articles including articles of food and drink.	" 1 8 0		

I solemnly declare that the particulars given above are correct

Station
Date.

Signature of applicant

To
The Municipal Commissioner
Bangalore City

SCHEDULE B

Exemptions

Milk, curds, vegetables, Fruits, Ground-nut and parched grains Gingelli ~~and~~ ground-nut ~~oil~~ Castor oil

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2/7/35

~~FOR~~ MUNICIPAL COMMISSIONER

Kas.21/4

Law Dept

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read —

Correspondence ending with letter No.M.2867/38-39. dated 8th July 1940 from the Municipal Commissioner, Bangalore City, forwarding for approval a set of draft Bye-laws framed by the City Municipal Council under Section 81 (1) (a) of the Mysore City Municipalities Act 1933, for regulating the trade of Hawkers and the levy of a license fee on them, under section 68 (3) of the said Act.

—

O R D E R No. L1680-3/MC 86-39-154

Dated, Bangalore, 26th August 1940.

The Bye-laws are approved and appended to this order.

(Draft) Secretary to Government,
Law Department.

To

The Municipal Commissioner, Bangalore City Municipality, through the President.

The Comptroller to Government of Mysore.
The Deputy Commissioner, Bangalore District.
The Inspector General of Police in Mysore.

Tam/6.

Not printed

ASSESSMENT AND COLLECTION OF LICENCE FEE ON HAWKERS.

Framed under Section 51(1) (a) and 82 (3) of the Mysore City Municipalities Act. 1926.

1. No person shall carry on trade as a "Hawker" in the Bangalore City Municipal limits, without first getting his name registered in the office of the City Municipality and taking out a license or certificate of registration. The term "Hawker" for the purpose of this Bye-law includes all persons who go about from street to street, selling or offering to sell goods, wares or merchandise, except those persons mentioned in the schedule 'B' hereto annexed.

2. Every person wishing to hawk in the City limits, shall apply the Municipal Commissioner in writing, in the form given hereunder, for a license and tender the fee prescribed below:-

Schedule.A.

Hawkers who are not permanent residents in the city limits Foreign Hawkers.

(1)	For dealing in precious stones and jewellery	Rs.10 per quarter or portion of a quarter of a year.
(2)	For dealing in Drapery such as piece-goods, e tc.	Rs.2-8-0 per quarter or portion of a quarter of a year.
(3)	For dealing in Hardware and all articles other than precious stones, jewellery and Drapery including Trinkets.	Rs.2-8-0 per quarter or portion of a quarter of a year.

...

Hawkers who are permanent in the City limits (Local Hawkers)

FOR dealing in any article or articles including articles of food and drink	...	Rs.1-8-0 per quarter or portion of a quarter of a year.

3. On receipt of the application with fee, the Municipal Commissioner or any officer duly authorised by him in that behalf shall give to the person paying, a license or certificate of registration. The Municipal Commissioner or the officer authorised by him may, if he deems it necessary in any particular case, refuse to grant the license and refund the fee tendered.

4. Every person shall, when engaged as a Hawker have with him the license granted and produce the same when required by any police officer on duty or any officer or servant employed by the Municipal Council.

5. The licensse shall not be transferable and no refund shall be granted on licenses which are partly or wholly unused or lost. In the case of license actually lost, duplicates may, at the discretion of the Municipal Commissioner or the officer authorised by him, be issued on production of satisfactory evidence by the licensee and on a payment of a nominal fee of eight annas.

Any person found hawking any goods in the City limits without license or who fails to produce the license when demanded, shall, conviction before a Magistrate, be liable to a fine not exceeding Rs.10/- and to a further fine which may extend to Rs.5/- for every after such conviction during which the offence continues

APPLICATION FOR A "HAWKER'S" LICENCE.

Name of applicant address with No & Street.	Permanent place of residence with Door No & Street.	Nature of Trade.	Rate of Fee.	Period for which licence is required.	Amount of Fee tendered.

Foreign Hawkers. Per quarter or portion of a quarter of a year.

(1)	Precious stones and Jewellery ...	Rs. 10- 0- 0	
(2)	Drapery such as Piece-goods ...	Rs. 2- 8- 0	
(3)	Hardware & all articles other than precious stones, Jewellery and drapery ...	Rs. 2- 8- 0	

Local Hawkers:

All articles including articles of food and drink ...	1- 8- 0	

I solemnly declare that the particulars given above are correct.

Station:
Date:

Signature of Applicant.

To

The Municipal Commissioner,
Bangalore City

Schedule B.

(Exemptions)

Milk, Curds, Vegetables, Fruits, Ground-nut and parched grains Gingelli, ground-nut and Castor Oil.

For Secretary to Government,
Law Department.